

AMENDMENTS TO THE DRAWINGS:

Replacement Figures 1, 11, and 12 are attached.

- (1) Figure 1 has been amended to add labels to the head and tailmers and mixmers.
- (2) Figures 11 and 12 have been amended to make them more legible.

No new matter has been added.

Attachments: 3 Replacement Sheets

REMARKS

THE AMENDMENTS TO THE SPECIFICATION

Page 9 of the specification has been amended to correct an inadvertent typographical error.

THE CLAIM AMENDMENTS

Claims 3, 6-8, 10-13, 15-16, 19-21, 23-31, 33, 35-38, 45-46, 48-52, 120-124, and 153-169 are pending and claims 5, 9, 14 32 and 34 have been cancelled.

Applicants have amended claims 23-31, 33, 35-38, 48 and 153-155 to improve their form and to more particularly point out certain embodiments of applicants' invention. The amended claims are fully supported by the specification (e.g. page 20, lines 3-28) and originally filed claims.

None of the amendments introduces any new matter.

THE OBJECTIONS

Drawings

The Examiner has objected to the drawings stating that they are not clearly labeled and a few of the drawings are dark and illegible.

Figure 1

The Examiner has objected to Figure 1 stating that it lacks labels for head and tailmers and mixmers.

Applicants submit herewith substitute Figure 1, which includes labels for head and tailmers and mixmers.

Figure 3

The Examiner states that the specification refers to Figure 3A, but that there is no corresponding Figure 3A.

Applicants have amended the specification to recite "Figure 3" instead of "Figure 3A."

Figures 11 and 12

The Examiner has objected to Figures 11 and 12, stating that they are dark and that the bars and bands are not clearly detectable.

Applicants submit herewith replacement drawings for Figures 11 and 12.

Double Patenting

The Examiner has objected to claims 5 and 159, 6 and 5, 9 and 8, 14 and 158, and 21 and 162 under 37 C.F.R. § 1.75 as being substantial duplicates of each other. Applicants amend in part and traverse in part.

First, applicants have canceled claims 5, 9, and 14 thus, obviating the objections of claims 5 and 159, claims 6 and 5, claims 9 and 8 and claims 14 and 158.

Second, with respect to the objection concerning claims 21 and 162, applicants respectfully submit that claims 21 and 162 have differing scopes. Claim 21 recites the open-ended transitional term "comprises," whereas claim 162 recites the closed-ended transitional term "consists."

Third, with respect to claims 6 and 159, applicants note that these claims are of differing scope. Claim 159 recites "nucleotides and/or nucleotide analogues" whereas claim 6 recites "nucleotides."

Improper Dependency

1. The Examiner has objected to claims 23-38 under 37 C.F.R. § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of previous claim 153.

Applicants have amended claim 153 to recite "said subsequence comprises at least one nucleotide analogue." Applicants have also canceled claims 32 and 34 and have amended claims 23-31, 33, and 35-38 to replace "comprises" with "wherein the number of nucleotide analogues in said compound is from." Claims 23-31, 33, and 35-38 as amended further limit claim 153. Accordingly, applicants request reconsideration and withdrawal of the objection.

2. The Examiner has objected to claim 48 as being grammatically incorrect because the claim recites "The compound according claim 153."

Applicants have amended claim 48 to insert "to" between "according" and "claim," thus obviating the objection.

3. The Examiner has objected to claim 50 as allegedly being of improper dependent form for failing to further limit the subject matter of claim 153 from which claim 50 depends. The Examiner states that the maximum length of the subsequence of claim 153 is 16 nucleotides and the maximum length of the subsequence of claim 50 is 24 nucleotides. Applicants traverse.

Applicants respectfully submit that both claims 153 and 50 use the open ended transitional term "comprising" when describing the subsequence. Because claim 50 recites a longer sequence, it further limits claim 153. Accordingly, applicants request reconsideration and withdrawal of the objection.

THE REJECTIONS

Obviousness-Type Double Patenting

The Examiner has rejected claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124, and 153-169 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-11 of copending application no. 11/272,124.

Applicants respectfully request that the Examiner hold this rejection in abeyance until allowable subject matter is identified in the instant application. Applicants will submit a terminal disclaimer or provide arguments in view of the claims pending at that time.

35 U.S.C. § 112, Second Paragraph:

The Examiner has rejected claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124 and 153-169 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants discuss each aspect of the Examiner's rejection below.

Claims 23-38

The Examiner asserts that claims 23-38 recite "a compound comprising less than 12 nucleotides, the lower limit of the compounds of claim 153," from which the claims depend.

Applicants have amended claim 153 to recite "said subsequence comprises at least one nucleotide analogue." Applicants have also canceled claims 32 and 34 and have amended claims 23-31, 33, and 35-38 to replace "comprises" with "wherein the number of nucleotide analogues in said compound is from." Claims 23-31, 33, and 35-38 as amended do not comprise less than 12 nucleotides or nucleotide analogues. Accordingly, applicants respectfully request that the Examiner withdraw this aspect of the rejection.

Claim 50

The Examiner asserts that claim 50 recites a compound according to claim 153 wherein the subsequence comprises a stretch of 2-6 LNAs followed by a stretch of 4-12 nucleotides, which is followed by a stretch of 2-5 LNAs, which is followed by a single nucleotide. The Examiner states that the maximum length of the subsequence of claim 153 is 16 nucleotides and the maximum length of the subsequence of claim 50 is 24 nucleotides. Applicants traverse.

Applicants submit that both claims 153 and 50 use the open ended transitional term "comprising" when describing the subsequence. Because claim 50 recites a longer sequence, it further limits claim 153. Accordingly, applicants respectfully request that the Examiner withdraw this aspect of the rejection.

Claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124 and 153-169

The Examiner asserts that claim 153 recites "wherein at least one of said nucleotides in said sequence has been replaced by a corresponding nucleotide analogue." The Examiner argues that it is unclear how a "nucleotide" can be replaced with a nucleotide analogue given that the compound already has nucleotide analogues.

Applicants have amended claim 153 (and therefore claims dependent therefrom) to recite "said subsequence comprises at least one nucleotide analogue." Accordingly, applicants request that the Examiner withdraw this aspect of the rejection.

Claims 3, 5-16, 19-21, 23-38, 45-46, 48-52, 120-124 and 153-169

The Examiner asserts that there is insufficient antecedent basis for the limitation "said sequence" in claim 153 because the claim recites a "subsequence" and does not recite a "sequence."

Applicants have amended claim 153 (and therefore claims dependent therefrom) to recite "said subsequence." Accordingly, applicants request that the Examiner withdraw this aspect of the rejection.

Claims 154-155

The Examiner asserts that there is insufficient antecedent basis for the limitation "corresponding nucleotide" in claims 154-155 because claim 153 from which they depend recites a "corresponding nucleotide analogue."

Applicants have amended claims 154 and 155 to recite "said nucleotide analogue" instead of "corresponding nucleotide." Accordingly, applicants request that the Examiner withdraw this aspect of the rejection.

CONCLUSION

In view of the foregoing amendments and remarks, applicants request that the Examiner reconsider and withdraw all outstanding rejections and grant allowance of the pending claims.

The Examiner is invited to telephone applicants' representatives regarding any matter that may be handled by telephone to expedite allowance of the pending claims.

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Respectfully submitted,

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